

Exhibit 16



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/243,405	09/23/2011	Wei DU	384111US8	7061
113694	7590	09/02/2016	EXAMINER	
Oblon/Corelogic Inc. 1940 Duke Street Alexandria, VA 22314			KIIOLDEBARIN, IMAN K	
			ART UNIT	PAPER NUMBER
			2669	
			NOTIFICATION DATE	DELIVERY MODE
			09/02/2016	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte WEI DU, THOMAS C. JEFFERY, and HOWARD BOTTS

Appeal 2015-003198
Application 13/243,405
Technology Center 2600

Before JOHN F. HORVATH, NABEEL U. KHAN, and
AMBER L. HAGY, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants¹ appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 1–23. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

¹ According to Appellants, the real party in interest is Bank of America, N.A. App. Br. 2.

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THE INVENTION

Appellants' invention relates to techniques for extracting building footprints from imagery data associated with a property to identify locations of building structures within particular parcels. *See* Abstract.

Exemplary independent claim 1 is reproduced below.

1. A method for extracting a building footprint from imagery data, comprising:

accessing imagery data of land containing a plurality of parcels;

detecting with a processing circuit image contrasts between natural terrain and potential man-made structures in said imagery data;

determining a parcel from the plurality of parcels that a portion of the potential man-made structures are located on by overlaying parcel boundaries over said imagery data so as to spatially distinguish said plurality of parcels; and

extracting a building footprint of a detected man-made structure on said determined parcel from the plurality of parcels that the portion of the potential man-made structures are located on, said extracting including filtering-out remaining potential man-made structures having features inconsistent with predetermined extraction rules defined based at least in part on property characteristics for the determined parcel from the plurality of parcels that the portion of the potential man-made structures are located on.

REFERENCES and REJECTIONS

1. Claims 1, 2, 3, 19, 20, and 21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jin et al. (US 7,650,047 B2, issued Jan. 19, 2010).

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2. Claims 4–10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jin and Munson et al. (US 2005/0034074 A1, published Feb. 10, 2005).

3. Claims 11, 12, and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Jin and Guo et al. (US 2011/0075882 A1, published Mar. 31, 2011).

4. Claims 13–17 under 35 U.S.C. § 103(a) as unpatentable over Jin, Guo, and Percy et al. (US 7,890,509, issued Feb. 15, 2011).

ANALYSIS

The Examiner finds steps 604–606, depicted in Figure 6 of Jin, teach or suggest “extracting a building footprint . . . said extracting including filtering-out remaining potential man-made structures having features inconsistent with predetermined extraction rules.” Final Act. 5.

Appellants argue² “steps 604-606 of Jin relate to the extraction of a *changed area* of the overlaid images (step 604), the calculation of a footprint matching rate (step 605) and the evaluation of a regional change (step 606) (see Jin, c. 6, 1. 42 to c. 7, 1. 19).” Br. 15. Thus, Appellants contend “[s]teps 604-606 do not describe or reasonably suggest extracting a building footprint of a detected man-made structure by *filtering-out* other potential man-made structures that have features inconsistent with predetermined extraction rules.” *Id.*

² Appellants present additional arguments in their Appeal Brief. However, because the identified argument is dispositive of the appeal, we do not reach the merits of these additional arguments.

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We agree with Appellants. Steps 604–606 of Jin’s Figure 6 illustrate the process of determining the differences between an old foot-print map and a new foot-print map by overlaying the new image over the old image. *See* Jin 6:22–7:19; Fig. 6. These differences reflect changes made to objects over time, as seen in satellite or aerial photographs. *See* Jin 2:1–4; 8:19–34. However, we do not discern from Jin’s disclosure that steps 604–606 describe “filtering-out” other man-made structures that are inconsistent with extraction rules from the detected man-made structure located on a parcel of land. Nor has the Examiner cited any other portions of Jin that teach or suggest the disputed limitation.

Accordingly, constrained by the record before us, we do not sustain the Examiner’s rejection of independent claim 1 and of independent claims 19 and 20. For the same reasons, we do not sustain the Examiner’s rejections of the pending dependent claims.

DECISION

The Examiner’s rejections of claims 1–23 are reversed.

REVERSED